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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,539	10/29/2003	Pascal E. Garrido	01-37	7562
7590 12/19/2006 Casimir R. Kiczek Dura Automotive Systems, Inc. 2791 Research Drive Rochester Hills, MI 48309			EXAMINER MARSH, STEVEN M	
			ART UNIT	PAPER NUMBER
			3632	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		12/19/2006	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/697,539

Applicant(s)

GARRIDO, PASCAL E.

Examiner

Steven M. Marsh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 15, and 16 is/are allowed.
- 6) ☒ Claim(s) 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is the third office action for U.S. Application 10/697,539 for a Drive Nut and Screw for Seat Adjuster filed by Pascal E. Garrido on October 29, 2003. Claims 1-10 and 15-19 are pending.

#### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 20, 2006 has been entered.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Siegreist et al. in view of U.S. Patent 6,502,798 B1 to Frohnhaus et al. Siegreist et al. discloses a vehicle seat linkage assembly with a rod (40) connected to a drive motor (30). The linkage assembly has a first link (52) with an aperture (56 on one side ) and a

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second link adjacent (52 on the other side), but spaced from the first link, with a portion forming a slot (56) that has a keyhole slot opening. Each link has a portion forming an inner peripheral surface and defining a transverse axis between the first and second link. The first link and second link are attached to a frame (50) and there is a drive nut (42) adjacent to the first and second link. The slot and aperture are in alignment with each other and the slot has a portion forming an arcuate portion and a guide portion in communication with the circular portion. The drive nut (42) is adjacent to the rod and has a body portion (70), opposite lateral projections (74), and a portion engaging the rod (72). Siegreist et al. fails to disclose an enclosed aperture in one of the links to position the projections by moving a first projection laterally relative to the slot of other link. Frohnhaus discloses a first link with an enclosed aperture (30) and a second link spaced from the first link and having a portion forming a slot (34). A rod (26) is mounted to the links by positioning a first projection within one slot while moving the a second projection laterally relative to the slot. It would have been obvious to one of ordinary skill in the art at the time of the present invention to have provided an enclosed aperture on one of the links taught by Siegreist et al., as taught by Frohnhaus et al., as alternative means for securely mounting the rod to the links.

### ***Allowable Subject Matter***

Claims 1-10, 15, and 16 are allowed. The following is an examiner's statement of reasons for allowance: The prior art does not disclose a vehicle seat linkage assembly with a first link having an enclosed aperture, a second link spaced from the

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first link and having a portion forming a slot with a circular portion, whereby a drive nut is threadably engaged with a rod, and whereby a pair of projections extending from opposite sides of a body portion of the nut, are used to position the drive nut and rod by positioning one of the projections in the slot, and the another projection is moved laterally relative to the slot, while the projection remains within the slot.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Response to Arguments***

Applicant's arguments with respect to claims 17-19 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (703) 305-0098. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone

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number is (703) 308-2168. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

*SM*

Steven M. Marsh

December 6, 2006

*Anita King*  
ANITA KING  
PRIMARY EXAMINER

~~ANITA KING  
PRIMARY EXAMINER~~